IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 2274 of 2005

DATE OF DECISION : 07.11.2006

Vir Parkash

.... PETITIONER

Versus

The State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Jaswant Jain, Advocate,
for the petitioner.

Mr. Partap Singh, Senior D.A.G., Haryana.

* * *

Petitioner Vir Parkash-complainant has filed this revision petition against the judgment dated 2.8.2005 passed by Judicial Magistrate Ist Class, Rewari, whereby respondents No.1 to 4 have been acquitted of the charges framed against them in case FIR No. 110 dated 15.5.1996 under Sections 323/324/452/341 IPC, registered at Police Station Khol.

2. The State of Haryana has not filed any appeal against the impugned judgment of acquittal.

3. I have heard counsel for the petitioner and the State Counsel and have gone through the impugned judgment.

4. In this case, as per the prosecution case, the accused-respondents inflicted injuries to the complainant party. The motive of causing the alleged injuries is stated to be dispute between complainant and accused party.

5. After completion of the investigation, challan was filed and the accused were charged under Sections 323/324/452/341 IPC. The trial court, after taking into consideration the evidence led by the prosecution, held that in the complaint, on the basis of which FIR has been registered, there is no

mention that the accused entered inside the house of complainant and the statements of Siri Chand (PW.1), eye witness Mahavir (PW.2) and complainant Vir Parkash (PW.3) are contradictory, therefore, the prosecution has failed to establish the charge against the accused under Sections 452/341 IPC. The trial court has further held that there are variations in the ocular version and the medical evidence and the prosecution has miserably failed to prove charge against the accused under Sections 323/324/341 IPC beyond doubt.

6. After hearing counsel for the petitioner as well as the State Counsel and going through the impugned judgment, keeping in view the fact that no appeal has been filed by the State of Haryana, I do not find any ground to interfere in the impugned judgment of acquittal.

7. Dismissed.

November 07, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**